



4. That jurisdiction of this Court is proper under 28 U.S.C. §1332, diversity of citizenship.

5. That this action properly lies in this district pursuant to 28 U.S.C.A. § 1391, because the claim arose in this judicial district.

6. That at all times relevant hereto the Defendant, Ameristar Casino, possessed, operated, managed, maintained and controlled or had a duty to possess, operate, manage, maintain and control, both directly and indirectly, individually and through its agents, servants and employees, the premises upon which it conducted business located at One Ameristar Boulevard, St. Charles, MO 63301.

7. That the Defendant invited the general public, including the Plaintiff, to enter and exit the subject premises for the purposes of conducting business activities within the aforementioned premises.

8. That it then and there became and was the duty of the Defendant, Ameristar Casino, individually and through its agents, servants, and employees, to keep the premises in a reasonably safe condition for the Plaintiff and other persons lawfully in and about the premises and, further, not to create or allow any dangerous conditions to exist on or about the premises.

9. That at the aforementioned location, and on or about September 6, 2015, the Defendant, Ameristar Casino, well knowing its duty in this regard, carelessly and negligently caused and permitted the premises to become and remain in a dangerous condition for persons using said premises, especially patrons, although the Defendant knew, or in the exercise of ordinary and reasonable care should have known, of said dangerous condition.

10. That at all times relevant hereto, the Plaintiff, Melissa Eberl, was lawfully on the aforesaid premises as a paying customer and exercising due care for her own safety.

11. That on September 6, 2015, the Plaintiff, Melissa Eberl, was on the aforesaid premises, in one of the women's restrooms, when she slipped on a clear foreign substance which had accumulated on the floor, causing her to sustain severe injuries.

12. That at the aforesaid time and place, the Defendant, Ameristar Casino, by and through its agents and servants, committed one or more of the following acts of negligence and/or omissions which directly and proximately caused the accident to occur:

- a. It failed to manage, inspect, clean, and maintain its premises in a safe condition;
- b. It failed to have a safe procedure for cleaning foreign substances on the aforesaid premises;
- c. It failed to provide a safe ingress and egress in the premises;
- d. It failed to provide a good, safe and proper place for the Plaintiff to, use, occupy and walk on while on the common areas of the premises;
- e. It allowed and permitted the premises to become and remain in an unsafe, defective, and/or dangerous condition, which it knew or should have known existed, namely by allowing a foreign substance to remain on the premises;
- f. It failed to inspect the premises to be certain it was in good, safe and/or proper condition;
- g. It failed to warn the Plaintiff and others of the unsafe, defective and/or dangerous condition of the said premises; and
- h. It failed to place warning signs or cones in a manner visible to customers in the area to warn customers of the spill.

13. That as a direct and proximate result of one or more of the following acts of negligence and/or omissions, the Plaintiff, Melissa Eberl, was injured as follows:

- a. The Plaintiff was made sick, sore, lame, disordered and disabled and suffered extensive injuries to her head, body, and limbs, both internally and externally;
- b. The Plaintiff received injuries to her neck;
- c. The Plaintiff received injuries to her back;

- d. The Plaintiff received injuries to her knees;
- e. The Plaintiff received injuries to the soft tissues of the cervical, shoulder, and lumbar area, including the muscles, ligaments, tendons and nerves;
- f. The Plaintiff has expended money for necessary medical care, treatment and services and will be required to expend money for medical care, treatment and services in the future;
- g. The Plaintiff has suffered disability as a result of her injuries;
- h. The Plaintiff has experienced pain and suffering and will be reasonably certain to experience pain and suffering in the future as a result of the injuries; and
- i. The Plaintiff has lost money from the loss of wages and will suffer an impairment of future earning capacity.

WHEREFORE, the Plaintiff, Melissa Eberl, prays judgment against the Defendant, Ameristar Casino St. Charles, Inc., a corporation, for a fair and just award in excess of Seventy-five Thousand Dollars (\$75,000.00) plus costs of this suit.

Respectfully submitted,

s/ Michelle M. Rich  
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Ms. Kristina D. Cooksey #62580  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MELISSA EBERL, )  
522 Lexington Drive, )  
Oregon, WI 53575, )  
 )  
Plaintiff, )  
 ) NO:  
vs. )  
 )  
AMERISTAR CASINO ST. CHARLES, INC., )  
a corporation )  
One Ameristar Boulevard, )  
St. Charles, MO 63301 )  
 )  
 )  
Defendant. )

**AFFIDAVIT**

Now comes Thomas C. Rich, P.C. attorney for the Plaintiff in the above titled action and at the time of the filing of this Petition have reasonable grounds to believe that the damages to the Plaintiff as a result of the injuries sustained herein will be in excess of Seventy-five Thousand Dollars (\$75,000.00).

12/29/15  
Date

s/ Michelle M. Rich  
BY: THOMAS C. RICH, P.C.  
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Ms. Kristina D. Cooksey #62580  
Ms. Michelle M. Rich #65592  
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